

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)	
)	
Implementation of the Commercial)	MB Docket No. 11-93
Advertisement Loudness Mitigation)	
(CALM) Act)	
)	

Directed to: Office of the Secretary
Attention: Chief, Media Bureau

STREAMLINED FINANCIAL HARDSHIP WAIVER CERTIFICATION

1. By this pleading and the attached certificate, Polar Broadcasting, Inc. (“Licensee”), licensee of KFTL-CD, Facility ID 52887, San Francisco, CA, hereby certifies that KFTL-CD requires a one-year delay to achieve compliance with the requirements of the Commercial Advertisement Loudness Mitigation Act (the “CALM Act”) and requests a waiver of the December 13, 2012 deadline for compliance.¹

2. Pursuant to the streamlined waiver process set forth in the Commission’s December 13, 2011 *Report and Order* in this proceeding, Licensee requests waiver for KFTL-CD as a “small broadcast station.”² Under the procedures adopted in the *Order*, a station seeking a waiver on this basis must certify to the Commission that it qualifies as a “small broadcast

¹ It is the Licensee’s understanding that Class A television stations are not subject to the CALM Act compliance requirements. This understanding is based on Footnote 17 of *Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act*, 26 FCC Rcd 17222 (2011) (the “*Order*”), which defines a subject “television broadcast station” as a station licensed under Subpart E of Part 73. Class A stations are licensed under Subpart J and thus do not come within the definition. Nevertheless, this waiver certification is filed for KFTL-CD in an abundance of caution, should the Commission interpret the CALM Act compliance requirements to apply to Class A television stations.

² *Order* at 17253-54.

station” and that it requires a delay of one year to obtain specified equipment to avoid financial hardship.³

3. As set forth in the attached Certification of Thomas Evans, Licensee certifies that KFTL-CD satisfies the definition of “small broadcast station” by virtue of having less than \$14 million in gross annual receipts. Mr. Evans further certifies that, to avoid financial hardship, the Licensee requires a one-year delay to obtain certain the equipment necessary for KFTL-CD to comply with the Commission’s CALM Act requirements.

4. Accordingly, Polar Broadcasting, Inc. respectfully requests a one-year waiver for KFTL-CD to comply with the CALM Act.

Respectfully submitted:

/s/
By: _____
Davina Sashkin
Counsel for Polar Broadcasting, Inc.

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October 15, 2012

³ *Id.*

CERTIFICATION OF THOMAS EVANS

Thomas Evans hereby certifies as follows:

1. I am Vice President of Polar Broadcasting, Inc.
2. Polar Broadcasting, Inc. is the licensee of Station KFTL-CD, Facility ID 52887, San Francisco, CA.
3. During calendar year 2011, KFTL-CD had less than \$14 million in annual receipts. It is anticipated that KFTL-CD will also have less than \$14 million in annual receipts for 2012.
4. To achieve compliance with the Commission's CALM Act requirements, KFTL-CD must have installed certain equipment, including a loudness controller device and software, to ensure Station compliance.
5. As initial estimates have indicated that the costs for such equipment will be a minimum of several thousand dollars, Polar Broadcasting, Inc. requires a one-year waiver of the Commission's CALM Act requirements for KFTL-CD to allow it to obtain the necessary equipment while avoiding financial hardship.



Thomas Evans

October 15, 2012